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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,101	04/21/2004	William J. Lutkus	0275V-000915	5999

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EXAMINER

MITCHELL, KATHERINE W

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/829,101	Applicant(s) LUTKUS	
	Examiner Katherine W. Mitchell	Art Unit 3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
    4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 11-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 4/21/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☐ All    b) ☐ Some \* c) ☐ None of:  
        1. ☐ Certified copies of the priority documents have been received.  
        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

✓

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 11-18 in the reply filed on 4/19/2005 is acknowledged. The traversal is on the ground(s) that the search is not burdensome and overlaps. This is not found persuasive because the method is not in class 411. Steps in the coating process would not be found when searching the fastener.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 1-10 drawn to an invention nonelected with traverse per above. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Specification***

3. The abstract of the disclosure is objected to because of the use of implied phrase "disclosed is" and "disclosed are". Correction is required. See MPEP § 608.01(b).

*Applicant is reminded of the proper language and format for an abstract of the disclosure.*

*The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 11-18 are rejected under 35 U.S.C. 103(a) as obvious over Lutkus et al. USP 6224311 in view of Whitford Worldwide's "11 Reasons why Chromium-free Xylan® 5230 is specified by DaimlerChrysler, Ford, and General Motors", hereafter called Whitford paper.

Re claims 11-18: Lutkus USP 6224311 teaches a fastener assembly comprising:

a threaded fastener formed of a 1<sup>st</sup> metal

A metallic fastener insert

A receiving element

(see Fig 1 for these 3  
items)

Wherein at least one of the inert or receiving element is formed of a 2<sup>nd</sup> metal (col 1 line 32-35; while the fastener is formed of a different metal in col 4 lines 54-55. ) Col 3 lines 14-23 teach a fluoropolymer coating to reduce galvanic corrosion.

However, Lutkus is not specific that the fluoropolymer coating is chromate free. Whitford paper teaches the desirability of a chromate free coating to meet the US's "end of Life" Vehicle directive 2000/53/EC, further teaching that DaimlerChrysler, Ford, and General Motors all require such a chromate free coating for their fasteners. Further, XYLAN® 5230 is specifically taught as advantageous specifically because it is a chromate free fastener coating, as required by the European Union, DaimlerChrysler, Ford, and General Motors. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Lutkus and Whitford paper before him at the time the invention was made, to modify Lutkus as taught by Whitford paper to include the chromate free fluoropolymer coating, in order to obtain environmentally acceptable, low friction, corrosion resistant coatings, as specifically taught in the Whitford paper, page 2.

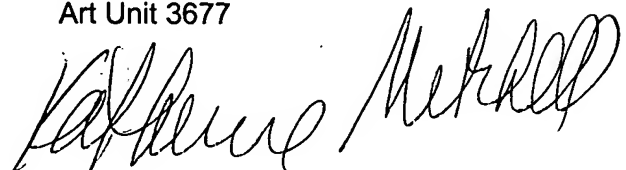
One would have been motivated to make such a combination because immediate Market acceptance would have been obtained, as taught/suggested by Whitford paper. Further, compliance with environmental and purchasing standards would be met.

Re claims 12-18: Lutkus teaches these properties in col 2 lines 1-33, col 3 lines 6-14, 15-44, and col 4 lines 1-3, 19-20, 54-55, and 65-68.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell  
Examiner  
Art Unit 3677



Kwm  
6/12/2005